

# **STATE HOUSING APPEALS BOARD**

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## **Minutes of the June 5, 2013 Board Meeting**

**The State Housing Appeals Board (“SHAB” or the “Board”) held a public meeting on June 5, 2013 at Warwick City Hall.**

### **ATTENDANCE**

**The following members were present: Chairwoman Kelley Morris, Joseph Caffey, Brenda Clement, James Grundy, June Sager Speakman, Robert Cuttle, Luis Torrado and municipal alternate member Steven Stycos. Also present were Steven M. Richard, legal counsel to the SHAB, and Christine DaRocha, administrative staff to the SHAB.**

### **Call to Order**

**Chairwoman Morris called the meeting to order at 4:03 p.m. and asked Mr. Richard to give a status of the docket.**

## **Update from SHAB's legal counsel regarding status of docket**

**Mr. Richard noted that SHAB has a full membership with the addition of Luis Torrado. He stated that appeals have been filed in Superior Court regarding SHAB's two recently decided cases: LR-6A Owner, LLC (Brushy Brook) v. Hopkinton and Pesaturo/Gemma v. Cumberland.**

**Regarding NEMA v. Westerly, settlement efforts are continuing and SHAB will continue to monitor the status.**

**Regarding North End Holdings v. Barrington, Developer's counsel, Mr. William Landry, stated he received the requested transcripts and will forward to Mr. Richard. The briefing schedule will start effective 6/10/13.**

**Regarding SWAP v. West Greenwich, the town has filed a Motion to Dismiss. Once fully briefed, SHAB will schedule a hearing on the Motion to Dismiss.**

**Oral argument by counsel for parties, including questioning by SHAB membership and counsel with regard to Ocean Breeze Condominium, LLC vs. Town of Narragansett, SHAB Appeal No. 2009-02**

**These minutes summarize the respective position of counsel during**

their oral arguments. A full transcript of the hearing is available to the public upon request.

Attorney Donald Packer, representing the developer, directed the Board's attention to the aerial photograph showing the site and abutting properties. Attorney Packer provided a history of the development in the area and the developer's position regarding the proper interpretation of Table 16 in the Affordable Housing Plan, which the developer contends would support the construction of the new units proposed by the amended application. Attorney Packer also argued that the Town has not made sufficient progress in meeting the required 10% threshold for low and moderate income housing.

Attorney James Howe, representing the Town, argued that the developer wants to add too much density to the lots. He stated that the existing 16 units and the 24 proposed units would exceed the 32 units envisioned by the Town's affordable housing plan. He stated that, with the approval of several projects in the pipeline, Narragansett is moving closer to the number of affordable housing units needed to meet the required threshold.

Chairwoman Morris asked Mr. Howe to address Table 16, which references new construction. Mr. Howe stated that, although it says "new construction," that doesn't mean you can discount the existing 24 units.

**Attorney William Landry, representing several intervening parties, supported the Town's position and argued that the density bonus sought by the developer should not be allowed because of the number of units being sought by the developer.**

**Attorney Richard summarized the issues and suggested to the Board that it may wish to request briefs from the parties regarding the proper interpretation of Table 16.**

### **Votes on Requested Post-Hearing Memorandum**

**Mr. Caffey moved and Mr. Grundy seconded the motion requesting counsel submit post-hearing memorandum, no more than 10 pages, by July 12, 2013, with the understanding that the Board will reconvene, asking any additional questions and not taking further argument, and deliberate and decide the case at the next hearing.**

### **Adjournment**

**The meeting adjourned at 5:55 p.m.**

**Respectfully submitted,**

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**Kelley Morris, Esq., Chairwoman**